

FIGHTING PATRONAGE POLITICS

How not to do it



Zeal to remove a particular politician can prompt campaigners to ignore basic democratic principles.

By Steven Friedman

The problem with witch hunts is that you have to live with the consequences after you have got rid of the witch.

What that might mean in practice was spelled out in, of all things, a play about an English monarch. The play is 'A Man for All Seasons' by Robert Bolt. It is about Sir Thomas More, the British prime minister who was executed for opposing King Henry VIII's plan to set up a church which would allow him to divorce his wife. More believed that the king was bending the rules to suit himself but, in his bid to prevent him, insisted on playing by the rules. This angered his zealous son-in-law Will Roper, who wanted him to do whatever it took to stop the king, who he sees as a representative of the Devil. More tells Will that he seems so determined to chase after the Devil that he would break down every law in the land to get at him. Will agrees that he would. To this, More replies: 'And when the Devil turns on you to pursue you, where will you run to, there being no laws left to protect you?'

What does this snippet from our former coloniser tell us about our politics today?

Well, the king may have more to do with our current reality than we might imagine. He was renowned for his musical ability but also for his six wives. And the reason More (and Will) were opposing him is that he was trying to bend the rules to make them suit him. Many of us may make some obvious links between this long gone British ruler and one in our midst now.

We may also have far more of our share of Will Ropers here. In our case, these are people who are so eager to get at politicians who they believe are using the state for their own ends, that they seem determined to knock down many of the rules which protect us. If they succeed, we will have no protection when the next group of politicians who want to turn the government into their own instrument come along.

To see why this British play does say something important about our politics, we need to go into some detail.

The Perils of Patronage

There are clear parallels between

a British king who thought that the society's institutions were his personal property and a faction which is trying to strengthen its hold on the South African state.

None of this is particularly new – it is familiar to anyone who has any exposure to South African media. But it is necessary to point out that the campaign against state capture is not a fiction invented by white monopoly capitalists to hide their power – it reacts against a reality which threatens the health of the economy and society.

Despite its frequent use of the term 'radical economic transformation' and its attempt to portray itself as a fight against white economic control, the political faction which rallies behind the incumbent president is about channelling the state's resources to the service of a narrow group of connected business people and politicians.

There is more than enough evidence to back this claim but one example illustrates the point better than another recital of the last Public Protector's state capture report – the relationship between the Ministry of Social Development and Cash Paymaster Services (CPS), which pays out social grants and is currently supervised by the Constitutional Court because it was using its position of power to sell services to a captive, impoverished, market of grant beneficiaries.

While the court has intervened to protect people living on grants, the contract with the company survives, at least for now, and the minister responsible, Bathabile Dlamini, retains her post despite her key role in concluding the contract and a marked inability to keep to deadlines imposed by the court. She remains untouched because she is a key supporter of the president and is also vital to the presidential campaign of Nkosazana Dlamini-Zuma, who is the faction's choice – and despite the fact that the ministry's arrangement with CPS makes a mockery of the faction's claims to be battling for the poor in particular and black people in general.

CPS is a subsidiary of Net 1, a multinational corporation whose Black Economic Empowerment credentials were rejected by the constitutional court. It is, therefore, a glaring example

of the 'white monopoly capital' which the faction claims to oppose. An arrangement which allows it to make money at the expense of the country's poorest black citizens has nothing at all to do with 'radical economic transformation', however we define it, and everything to do with connected people advantaging themselves at the expense of the poor and the weak.

Given this, it is surely fair to insist that the faction is seeking control of the state – and the Treasury in particular – not because it wants to challenge or dismantle privilege, but because it wants a greater share of it.

When Dlamini-Zuma talks of ensuring that the Reserve Bank does

“Factional control of the Reserve Bank and the Treasury will benefit the insiders who benefit from deals like that with CPS: it will not fight poverty and is certain to increase it.”

what government wants it to do, the evidence suggests that the result will not be opening up resources and opportunities to the marginalised. It will, rather, open the sluice gates so that the connected can benefit at the expense of everyone, including the poor. When the faction seeks control of the Treasury, its past and present behaviour suggest that its aim is not to open development opportunities but to funnel resources to it and to those to whom it is linked. When it seeks to maintain or strengthen its hold on state owned enterprises, the record shows that the aim is not to provide services which the market withholds from the poor but to gain access to levers which can channel money to public and private actors who co-operate at the citizenry's expense.

This means that the country does need a battle against state capture. As ANC treasurer-general Zweli Mkhize has pointed out repeatedly since

the March cabinet reshuffle placed public finances in grave danger, the negatives which flow from this are not restricted to the well-heeled (who usually enjoy the resources needed to cope with bad times). They cause huge economic damage to the poor and the marginalised.

The claim that poor people are so cut off from the benefits of the market place that they are unaffected when, for example, the currency is under pressure, is at most a half truth. While the poor lack jobs and opportunities, they pay for goods and services with the same currency as the rest of us and so they suffer when the formal economy suffers. Factional control of the Reserve Bank and the Treasury will benefit the insiders who benefit from deals like that with CPS: it will not fight poverty and is certain to increase it.

It is true that business leaders oppose control of the state by patronage politicians because they are looking after their own interests. But it is equally true that they are not the only people opposing them. The coalition which opposed the sacking of then finance minister Nhlanhla Nene in December, 2015, stretched from the major banks through to the left of the trade union movement. The state capture agenda negatively affects anyone who relies on the market economy – this includes everyone who receives a wage and a salary and this is why opposition to the president and the patronage faction is overwhelming among wage and salary earners.

Among people excluded from both, the reality is more complicated. Patronage politicians are able to command support among non-wage and salary earners because an important survival strategy is to attach yourself to a politician or political party which might dispense resources: people excluded from the benefits of the formal economy use this lifeline if it is available to them. But not everyone living in poverty enjoys this option and even those who do may well find that the benefits of the goods they receive are outweighed by the costs of the scarcity and the rising price of capital.

These dynamics are not researched and debated enough: they do much to explain current political trends. But, for

this analysis, the point is that opposition to patronage and the state capture on which it relies may include the owners of capital but is hardly restricted to them – most South Africans would lose if the state does become the plaything of the connected.

This shows why a campaign against state capture is needed. It does not justify the way in which the current campaign is run.

Knocking Down the Laws

If the ANC's patronage faction bares an uncomfortable resemblance to King Henry, the campaign against it seems inspired by Will Roper because its aim seems to be to remove any protection for citizens which stands in the way of its goals. It too seems unmoved by the likelihood that this will make it more difficult in the future to safeguard rights and freedoms.

The most obvious example of a desire to tear up principle to get at the danger which faces us is the successful campaign for a secret ballot in the Parliamentary no confidence vote.

Much ink has been spilled on this issue so it is not necessary to repeat all the arguments. Suffice it to say that ensuring that public representatives vote in the open is an important protection for citizens because it enables us to hold to account those we elect. More specifically, an open vote is a protection against vote-buying because it makes it more difficult for elected representatives to cast votes in exchange for money.

Ironically, all of this was illustrated during the run-up to the no confidence vote when the DA's mayor in Mogale City was removed in a no confidence vote by secret ballot. A DA councillor voted against the mayor but voters don't know which one. More important, they don't know why and so it remains possible that the mystery councillor was paid to change their vote. But the idea of legislators who are accountable to citizens to vote in secret is apparently acceptable if the goal is to remove the modern day South African equivalent of Will Roper's Devil.

Another example is the constant attempt to turn the courts into vehicles of a political campaign. They have, for example, been asked to declare

the March cabinet reshuffle irrational and are currently deciding whether they should tell parliament to begin impeachment proceedings against the President.

Courts play a crucial role in constitutional democracies like South Africa's but only if we understand what that role is. Democracy is not a system in which we are ruled by judges – it is one in which we rule ourselves. The key democratic idea is that everyone is entitled to an equal say in the decisions which affect them, whoever they are and whatever their education level. The job of the courts is to do what they can to make sure that this happens, not to substitute their own rule for that of the people.

Courts are vital to democracy because the system does not only grant a say to those who are in the majority – it grants it to everyone. That means that

“Ensuring that public representatives vote in the open is an important protection for citizens because it enables us to hold to account those we elect.”

everyone needs to enjoy the right to vote, to speak, to organise, to live and all the other rights which ensure that we are respected and dignified members of our society. And it is the job of courts to step in where majority governments threaten those rights. South Africa's courts have justifiably won high praise for doing exactly that by, for example, ordering the president to pay back public money and trying to ensure that the arrangement between the social development ministry and CPS does not deprive grant beneficiaries of their rights.

But some of the more recent cases go way beyond asking the court to protect rights – they effectively ask it to take over the function of elected government.

In any political system, the people who head the government choose their

cabinet. The decisions are political and so in a democracy they are taken by those who have been elected by the majority – there is no such thing as an irrational Cabinet appointment because people will inevitably disagree on who is a reasonable appointment and there is no way in which one person's view can be shown to be more rational than another's – in the mid-1990s, some very respectable people thought Trevor Manuel's appointment as Finance minister was irrational because they saw him as a black radical. By asking a court to declare a Cabinet reshuffle irrational, the campaigners are, in effect, insisting that a small group of people who hold legal qualifications are entitled to decide for everyone else. Similarly, by asking it to take over parliament's right to decide whether to impeach a president, it is trying to replace government by the people with rule by those who have professional qualifications.

This, to put it bluntly, is an attempt to return to minority rule in the quest to achieve a particular political result. It seems unlikely that the courts will play ball, but the fact that they are being asked to do this is revealing.

The belief that it is the job of the political system to produce the results sought by the campaigners has also prompted some to blame the constitution for the fact that the president is still in office. The constitution, it is said, was drafted in the belief that we would always have saintly presidents like Madiba – it failed to give us a way to remove heads of government like the incumbent. This implies that we need a constitutional change to fix the problem.

This is an excellent example of how zeal to remove a particular politician can prompt campaigners to ignore basic democratic principles. The claim that the constitution assumed a saintly President is an almost breath-taking misinterpretation. The constitution includes an array of measures which are meant to hold all office holders, including presidents, to account. Besides the obvious right of parliament to vote out a president (in two ways, either through a no confidence vote or for bad behaviour), these include a wide range of checks designed to

ensure that the president operates within constitutional rules.

The only remedy it does not offer is a way of getting rid of a President politically without commanding a majority in the legislature. This it shares with other constitutional democracies which also leave it to the democratic process, in this case the will of those who were elected by the people, to decide who should govern. Once again, the complaint is that the choice of who governs is left to the people rather than to those who command respect in the suburbs. But that, is of course, the basic democratic idea.

Given this aversion to democratic decisions, it is surely no accident that the campaign against patronage politics has relied far more on trying to persuade judges or protect members of parliament from their voters than on winning broad public support – the weapon on which confirmed democrats rely.

A further victim of the current campaign is the idea that all politicians and parties should be judged by the same standard. When the governing party threatens disciplinary action against politicians who buck the party line, this is denounced as a ‘witch hunt’. It is difficult to understand why. No democracy anywhere enshrines a right to belong to a political party, let alone to hold office in it. And so parties can let in or throw out whoever they choose. Doing this may land them in trouble with voters – throwing out Julius Malema and his allies cost the ANC more than 6% of the vote in 2014, 8% in 2016. But they clearly have the right to do it.

This right, it seems, falls away when the politicians under fire are supported by people campaigning to change the ANC leadership. More important for those of us who feel that all parties should be judged by the same principles, it does not apply to the EFF which encountered little criticism when it announced plans to discipline its Mogale City councillors who had voted for the council’s budget.

Finally, there is little evidence that the campaign to remove the President has any time for the tolerance which is meant to underpin democratic systems. Making arguments like those in this

article – which endorse the campaign for change but object to its methods – is a sure ticket to being demonised as a hack in the pay of a certain immigrant family from India or a lackey of the President and his faction. There is no debate about the methods and principles of the campaign – you either obey or you are assumed to be on the other side.

Some adherents of the campaign – although to be fair not all – have also sought to press DStv into removing the television channel ANN7 from its platform, presumably in the hope that this will remove it from the airwaves. The channel is not a credit to South African broadcasting – for what it is worth, this commentator has refused on principle to go anywhere near it for some time because it is clearly interested in propaganda, not analysis. But it surely does not require a lesson in advanced democratic theory to

“Courts are vital to democracy because the system does not only grant a say to those who are in the majority – it grants it to everyone.”

point out that, if we start silencing broadcasters because we don’t like what they say, our freedom to receive the information we need will not last very long.

In several ways, the campaign against patronage politics is doing precisely what More warned against. It may not be literally knocking down laws, but it is demolishing principles – openness, government by the people, fairness and tolerance – which are core democratic values. Like Will Roper, the campaigners see the current head of state as the Devil and they believe any principle is worth tearing up if it stands in the way of getting at him. And, like Will, they may one day find that this has left them, as well as the rest of us, without much-needed protection.

Mortgaging the Future

To see why this is so, we can apply

a simple test, the best measure of political principles: would those who embrace them be happy if the same principle was used against them?

The test is easily applied. Let us assume that the President is replaced by an incumbent to the liking of the campaigners – either a rival within the ANC or the leader of one of today’s opposition parties. Would those who are leading the campaign against patronage politicians be comfortable if this president could be removed from office by a no confidence vote held in secret? Would they be happy if someone asked judges to tell their president who they may appoint to the Cabinet and or to instruct Parliament to investigate the President? Would they support constitutional change which will allow the removal of a President who enjoys majority support in the legislature? Would they have no complaint if the party they supported was demonised when it decided who to admit and who to eject, particularly if other parties were given a free pass if they did the same? And would they applaud if anyone who disagreed with their opponents was driven from the public debate as an agent of ‘white monopoly capital’? Or tried to silence media who supported their view?

The answers are obvious – the moment control over government shifts, we can be sure that the behaviour which is now being touted as a guarantee of our freedom would immediately be viewed as a threat. Which is precisely why the willingness to tear up principle now may, as More warned, come back to haunt us tomorrow. Even if the President and his faction disappear into the political wilderness today, the threats which democracy is meant to protect again will remain. Tearing up principle now will ensure that it is not there tomorrow when it will be needed to deal with problems we cannot yet anticipate but which are sure to emerge.

The fight against patronage politicians is essential. But so too is ensuring that the battle is waged in a democratic and principled manner. If it is not, the campaign may remove today’s presumed Devil only to find itself at the mercy of others which lie in wait. ■